

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
FEBRUARY 22, 2011

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor (arrived at 6:18 p.m.)
Jack McCool, Mayor Pro Tem
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Giancarlo Patino, Engineer Associate
Stephen Myrick, Building Official
Russell Pancoast, Police Chief
Kevin Arnold, Information Systems Analyst

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Pro Tem McCool at 6:00 p.m. on Tuesday, February 22, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on February 8, 2011.
- B. Discuss and consider action on a Proclamation recognizing April 30, 2011 as SpringFest in the Hill Country Galleria.
- C. Discuss and consider action on Ordinance No. 73, an ordinance annexing an 8.735 acre tract of Spillman Ranch Phase I, Section 9 (The Grove at Falconhead).
- D. Discuss and consider action on the monthly financial and investment report.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the Consent Agenda items.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None

Vote on Minutes:

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None
Abstain: Council Member Bockius

Discuss and consider action on the audit report for FY 2010.

Robert Belt of Belt Harris Pechacek, , LLP, provided the presentation on the audit. Stephanie Harris was also present at the meeting.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the audit report for Fiscal Year 2010.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

Public hearing, discussion and possible action on Ordinance No. 72, an ordinance amending the existing Hill Country Galleria Planned Development District development standards and to add certain lots and to change the zoning of these lots from Retail District to PDD - Town Center District.

City Administrator Frank Salvato introduced this item.

Adrian Overstreet, Asset Manager for Hill Country Galleria, fielded questions on the proposed changes to the Development Standards.

Mayor Murphy arrived at 6:18 p.m.

The City Council and Mr. Overstreet addressed the current Hill Country Galleria 380 Agreement. Mr. Overstreet agreed that sales tax created by any new impervious cover that may be created by this Ordinance which results in the development of new retail businesses, shall not be counted in determining the amount of sales tax rebates payable by the City pursuant to the Galleria Economic Development Agreement.

City Attorney Patty Akers commented that the above statement is included in Section 7 of Ordinance No. 72.

Council Member Murphy requested a 5 minute recess. The City Council recessed the Regular Session at 6:42 p.m. and reconvened at 6:47 p.m.

Mrs. Akers summarized the proposed changes to Exhibit C as follows:

2. Building Floor Area for the grocery store changed to 38000 feet.
3. Parking areas surrounding the free standing grocery store may provide for 7 foot wide landscaped islands within the parking field.
4. The location of the water quality and detention ponds may be relocated onto Lot 2A and/or Lot 2B, Block A, Bee Cave Plaza Sec 5, re-subdivision of lot 2 Bee Cave Plaza
5. (a) All or any portion of the impervious cover of the greater of 40% if no rainwater capture is used and 45% if rain water capture is used of the impervious cover allowed

for Lot 4, Block A, Hill Country Galleria may be relocated to the Project, provided that the transfer of impervious cover is documented to the satisfaction of the City and filed of record in the County Deed Records. Impervious cover must be removed from Lot 4, Block A in order to transfer the impervious cover. All subject to a site plan approval.

(b) Lots 2A and 2B, Block A, Bee Cave Plaza are authorized for development of up to 126,072 square feet of impervious cover and any or all of the impervious cover may be relocated within the Project by the Developer as defined by the COREA which is filed of record in the Travis County Deed Records, provided that the relocation of any impervious cover from these lots is documented to the satisfaction of the City and filed of record in the County Deed Records.

(c) City recognizes that there remains 15983 square feet of unallocated impervious cover available to the Project for development. Such unallocated impervious cover may be utilized for development in the Project in accordance with the COREA. The owner of any lot with allocated but unused impervious cover may transfer the unused impervious cover to any other lot within the Project subject to site plan approval and documentation.

(d) Water Quality Controls for the Project shall be Retention/Irrigation Systems which are sized and designed in conformance with the current 1.6.7.A of the City of Austin Environmental Criteria Manual, except as modified by the City of Bee Cave TCSS Manual. Water Quality Controls shall be sized to accommodate treatment of any new impervious cover authorized in this ordinance and shall meet or exceed the 95% performance standards for Removal of Annual Pollutant Loads.

(e) Pervious concrete is authorized for use within the parking area for the freestanding grocery store subject to the approval of a satisfactory maintenance agreement at site plan approval. Pervious concrete shall be given 50% credit against impervious cover.

(f) Impervious cover created by the City for public purposes on the Staats Property or any other property owned by the City within the Project shall not count against the impervious cover limitations imposed on private development within the Project.

6. The restriction on the maximum amount of Retail heated and Air conditioned Gross Floor Area required in the Development Standards of previous ordinances is not affected by Developer's transfer of impervious cover described in section 5(a) and (b) of Exhibit C. Any impervious cover that is transferred to the Project as authorized herein shall not count against such land use caps.

7. (b) The Project trail system may be extended to the intersection of Bee Cave Parkway and Highway 620 as depicted in the amended Concept Plan if the City chooses to construct the trail.

(d) The free standing grocery store is authorized to construct exterior walls which total up to 40% glass for the building as a whole.

(e) The grocery store elevations including the fire pit are approved and substituted for elevations that were approved in a prior ordinance.

Mayor Murphy called the public hearing to order at 7:25 p.m.

There being no one who wished to speak, the hearing was closed at 7:26 p.m.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 72 as amended.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy

Voting Nay: None

Absent: None

Executive Session

The City Council closed the Open Session at 7:34 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation
- B. Consultation with attorney regarding authority of Municipal Utility Districts.
- C. Consultation with attorney regarding litigation with Browning Construction Company, Freese & Nichols, Inc. and subcontractors for construction of city hall
- D. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- E. Consultation with attorney regarding litigation relating to the TCEQ's Executive Director's petition that recommends that land within the jurisdiction of the City be included in a ground water district within the Hill Country Priority Groundwater Management Area.

The City Council closed the Executive Session at 9:02 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on a variance and site plan amendment for Taylor Morrison Lot 71, Block C located in Falconhead West subdivision, Phase I Section I.

Associate Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to approve the variance and site plan amendment for Lot 71.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None

Discuss and consider action on a variance and site plan amendment for Taylor Morrison Lot 262, Block C located in Falconhead West subdivision, Phase I Section II and Phase II, 2nd construction phase.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve the variance and site plan amendment for Lot 262.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay: None
Absent: None

Discuss and consider action on the Re-Plat of Lot 6 and 7, Block "Q" of Lakepointe, Phase 1B and Lot 7A, Block "Q" of Lakepointe, Phase 1-E located in the Lakepointe Subdivision.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve the re-plat of Lot 6 and 7, Block "Q" of Lakepointe, Phase 1B and Lot 7A, Block "Q" of Lakepointe, Phase 1-E located in the Lakepointe Subdivision.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

Discuss and consider action on a proposal from LNV Engineering for street maintenance including authorization to prepare specifications, construction and bidding documents.

Susan Smith, Vice President of LNV Engineering, presented the proposal and answered questions.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the proposal from LNV Engineering for street maintenance.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

Adjournment

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Bockius, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius, Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: None

The motion carried.

The City Council adjourned the Regular Session at 9:32 p.m.

PASSED AND APPROVED this 8th day of March, 2011.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary
[SEAL]